

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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MARCUS DUMOND, HENDRY BERDAT,	)
STUART V. and ROSEMARY STURGESSION,	)
KATHLEEN BLAIR, WILLIAM and	)
MARGIE BOOTH, KAREN PEACH, and	)
RICHARD and EVELYN KELLER,	)
	)
Plaintiffs,	) Civil Action No. 04-11458 (GAO)
	)
v.	)
	)
MASSACHUSETTS FINANCIAL SERVICES	)
CO. and MFS FUND DISTRIBUTORS, INC.	)
	)
Defendants.	)
	)

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**PLAINTIFFS' MOTION FOR LEAVE TO FILE  
SUR-REPLY IN OPPOSITION TO DEFENDANTS' MOTION TO DISMISS**

Plaintiffs move pursuant to Local Rule 7.1 for leave to file a Proposed Sur-reply in Opposition to Defendants' Motion to Dismiss (attached hereto as Exhibit A), to respond to certain arguments made by Defendants in their Reply Brief in Support of their Motion to Dismiss ("Reply").

The filing of a Sur-reply is necessary in order to correct the mischaracterization of Plaintiffs' complaint in the Reply and to address new arguments made by Defendants in their Reply which were not made by Defendants' in their initial Memorandum.

**Certification Pursuant to Rule 7.1**

On August 2 and 3, 2005, pursuant to Local Rule 7.1, the undersigned counsel conferred via e-mail with counsel for the Defendants in an attempt to resolve or narrow the issues and were unable to do so.

Dated: August 8, 2005

Respectfully submitted:

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/s/ Michelle H. Blauner

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